

# In the United States Court of Federal Claims

No. 15-524C

(Filed: October 13, 2015)

\*\*\*\*\*

VICTORY PROCUREMENT SERVICES, LLC, \*

Plaintiff, \*

v. \*

THE UNITED STATES, \*

Defendant, \*

and \*

CULMEN INTERNATIONAL, LLC, \*

Defendant-Intervenor. \*

\*\*\*\*\*

## DISMISSAL ORDER

On October 5, 2015, Defendant filed a Status Report in response to the Court's September 3, 2015 Remand Order. As Defendant requested, the Court conducted a hearing by telephone on October 8, 2015. In the Court's view, the Government's plan to solicit a new round of proposals as described in Option 1 of the Remand Order constitutes a form of corrective action. Accordingly, the Court deems it appropriate to dismiss this protest without prejudice.

In the event the procuring agency's completed corrective action results in a need to seek relief again in this Court, Plaintiff may file a new complaint together with a Notice of a Directly Related Case pursuant to Rule 40.2(a) of this Court, and the case will be assigned to this Judge. A waiver of the filing fee is likely.

This case is hereby DISMISSED without prejudice.

IT IS SO ORDERED.

s/ Thomas C. Wheeler  
THOMAS C. WHEELER  
Judge